

Response to Resistance Analysis

JANUARY 1, 2023 - DECEMBER 31, 2023

"We are a dedicated and trustworthy family of law enforcement professionals who pride ourselves on being approachable, and we are devoted to strengthening our safe and thriving community."

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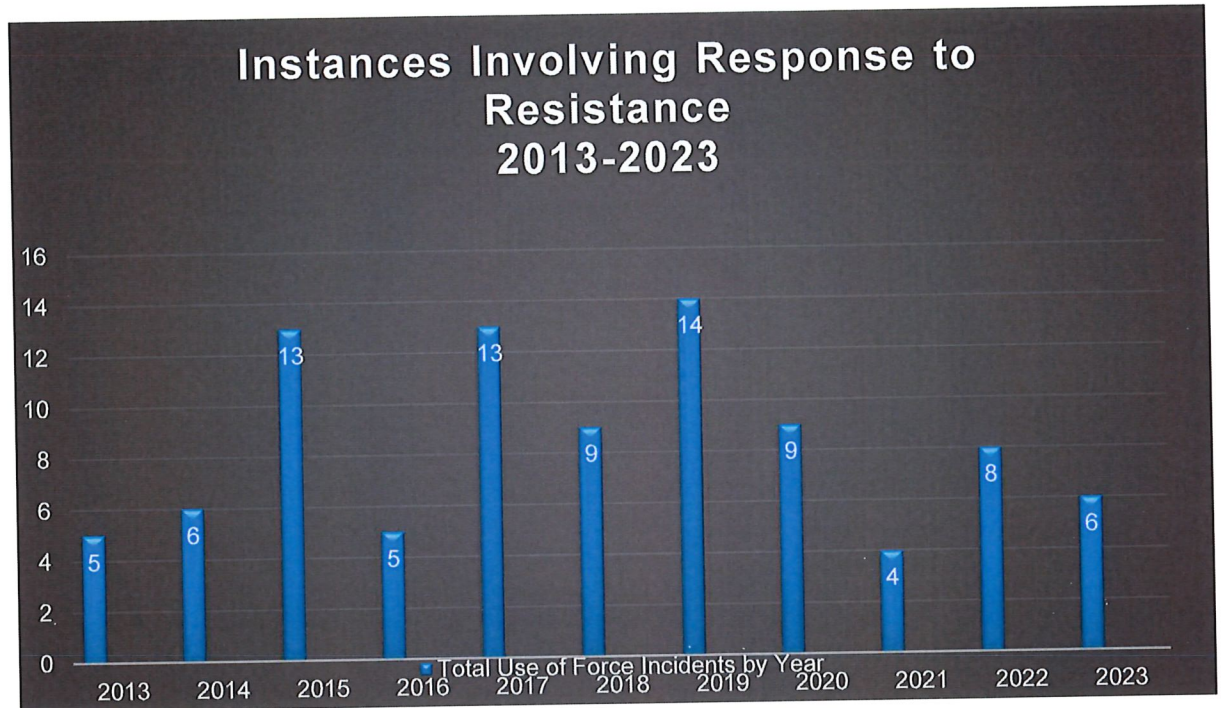
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This report was completed by Captain Brendan LaFlamme, Operations Bureau Commander. The date of completion was January 29, 2024.

Overview

At the request of Chief Joseph Hoebeke, I conducted an analysis of Response to Resistance incidents involving Hollis Police Officers between the period of January 1, 2023, and December 31, 2023. Additionally, I analyzed the Hollis Police Department policies and practices regarding Response to Resistance incident.

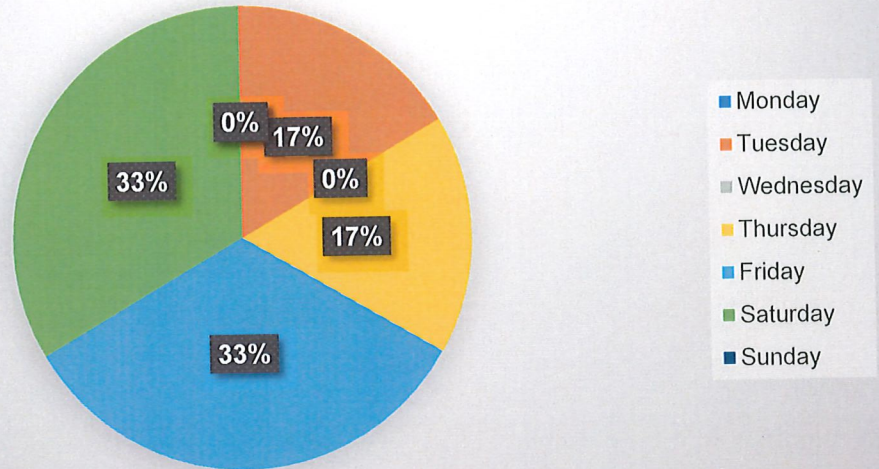
In 2023, Hollis Police Officers reported 6 incidents of Response to Resistance. Although we reported 6 incidents of Response to Resistance, it is important to note that four of these incidents involved two officers. Following careful review of the facts and information surrounding each of the incidents involving a response to resistance, it was determined that all instances were justified under applicable Hollis Police Department General Orders, as well as applicable New Hampshire State Laws, namely RSA 627:5, Physical Force in Law Enforcement.



Occurrences – Day of the Week

For 2023, there were no instances involving response to resistance on Mondays, Wednesdays, or Sundays. Fridays and Saturdays each had 2 instances, and Tuesdays and Thursdays each had one instance of response to resistance.

2023 Response to Resistance Days of the Week



Occurrences – Time of the Day

Four incidents involving Response to Resistance in 2023 occurred on second shift, and two occurred on first shift. There were no instances recorded on third shift.

1st shift (0645-1515 hours)

2nd shift (1445-2315 hours)

3rd shift (1445-0715 hours)

It is not surprising that there was less response to resistance incidents reported on 3rd shift. Hollis is known as a “bedroom community,” in

which there are no night time businesses open, and no traditional nightlife activities. Because of these factors, Officers come into contact with far fewer individuals on 3rd shift, which translates into fewer chances of having to respond to resistance.

Based on the data, there does not appear to be any need to readdress specific staffing issues on any given shift. Due to staffing challenges in 2023, third shift often saw times where only one officer was working. As we reach full staffing, having two officers on third shift could lead to an increase in responses to resistance, due to more police/citizen contacts.

Injuries

In 2023, there was one response to resistance incident that resulted in an injury claim. In that incident, a subject actively resisted being escorted to a cruiser after being handcuffed. Officers were able to gain compliance by using arms escort techniques. The arrestee complained of wrist pain from the handcuffs. His wrists were photographed at the station, with nothing remarkable noted. The arrestee was transported from the station to a local hospital for an unrelated medical event, and he declined any treatment for his wrists. No injuries were reported by suspects or officers in any other incident. This shows that officers use restraint and take care not to use more force than is necessary to gain control of a suspect/detainee. This statistic alone should not be used solely to determine if officers used appropriate force, as injuries are not

necessarily entirely avoidable, but it can be used as one gauge in analysis.

Over the past five years, which includes 2023, the Hollis Police Department has provided a number of trainings on: duty to intervene, peer-to-peer intervention, and de-escalation techniques in dealing with unruly and aggressive subjects. This, coupled with our regular Response to Resistance (formerly Use of Force) training continues to have a positive effect on the number of responses to resistance incidents that result in a suspect/detainee and/or officer sustaining injuries. Additionally, the vast majority of our officers are dedicated to personal physical fitness training and maintaining good health, which helps reduce the likelihood of injury during a force incident.

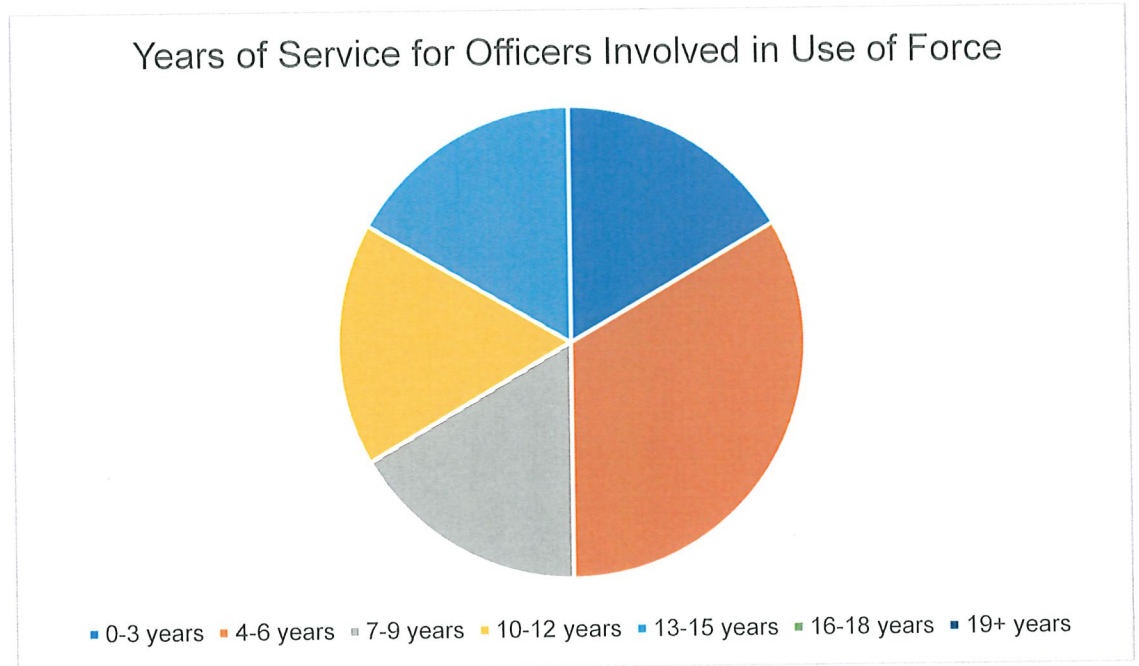
Age of Officers and Years of Service

In 2023, the average age of Hollis Police Officers involved in response to resistance incidents was 33 years of age; while the average age of all Hollis Police Officers is 37 years of age. This remains unchanged from the previous year, and fairly consistent with the past several years. In 2023, one of our oldest officers retired, and we hired a recent, younger, college graduate. This led to our average ages remaining unchanged over the previous year.

Year	Avg. Age of Officers at HPD	Avg. Age of Officers Involved in UOF
2019	34	33
2020	35	34
2021	36	35
2022	37	33
2023	37	33

In terms of years of service, 1 incident was reported by officers who had 0-3 years of experience, 2 incidents were reported for 4-6 years, 1 incident for 7-9 years, 1 incident for 10-12, 1 incident for 13-15, and no incidents for 16+ years of experience. It should be noted that four incidents reported involved more than 1 officer. In those instances, the average of their ages and years of experience were used for reporting purposes. Based on the ages and experience levels of the officers involved, there does not appear as though there is a trend that inexperienced officers are more likely to resort to using force when compared with more experienced officers (in terms of years of service). Although the most responses to resistance incidents were reported in the 4-6 years of experience group, it should be noted that this group of officers represents the general make-up of the Patrol Division, meaning that they would be exposed to more risks or calls that would escalate into a response to resistance situation. With this in mind, there appears to be no correlation that younger and/or less

experienced Hollis Police Officers are more likely to resort to using force. Years of service categories are detailed below:



	Years of Service
0 - 3 years	1
4- 6 years	2
7 - 9 years	1
10 - 12 years	1
13 - 15 years	1
16 - 18 years	0
19+ years	0

Demographic Information

AGE: The average age of the subjects involved in the 6 Response to Resistance incidents in 2023 was 48, with the oldest being 57, and the youngest being 32 years of age.

The average age is lower than the previous year, which is due to the fact that in 2022, there were two older subjects that were involved in Response to Resistance Incidents (69 and 84). Although lower than last year, the average is still slightly higher than years previous to 2022. In 2023, three of the subjects involved in response to resistance incidents were 55 years old, which skewed the numbers higher. Interesting to note is that one 55-year-old was involved in 2 separate incidents.

GENDER: Response to Resistance was used on 3 males and 3 females in 2023. One female officer was involved in response to resistance incidents in 2023; all others were male.

RACE: All 6 individuals involved in use of force incidents were white. All officers involved in Use of Force incidents in 2023 were white. It is worth noting that 100% of sworn officers at the Hollis Police Department are white.

According to data retrieved from the United States Census Bureau (2022), population estimates for Hollis indicate that 87% of residents are "White, alone," and statewide, 92.6% of residents are classified as "White, alone." Given these percentages, it is not surprising that Response to Resistance incidents involved only white people.

Race and Hispanic Origin		
① White alone, percent	△ 87.0%	△ 92.6%
② Black or African American alone, percent (a)	△ 3.6%	△ 2.0%
③ American Indian and Alaska Native alone, percent (a)	△ 0.2%	△ 0.3%
④ Asian alone, percent (a)	△ 1.5%	△ 3.2%
⑤ Native Hawaiian and Other Pacific Islander alone, percent (a)	△ 0.0%	△ 0.1%
⑥ Two or More Races, percent	△ 7.6%	△ 1.9%
⑦ Hispanic or Latino, percent (b)	△ 2.3%	△ 4.6%
⑧ White alone, not Hispanic or Latino, percent	△ 85.8%	△ 88.5%

In 2023, no incidents of force were recorded involving members of the Hispanic or Latino communities. It is important to note that our Records Management System tracks ethnicity separately from race.

In looking at the race and ethnicity of all those involved in the use of force incidents recorded in 2023, it is readily apparent that no minority group is subject to a disproportionate amount of force used against them.

Background Information and Reasons for Force Being Used

Incident #1: Thursday, March 2, 2023 1520 hrs

Hollis Police were dispatched to assist Hollis EMS with an unknown medical condition in a wooded area behind one of our local schools. Upon arrival, an obviously intoxicated male subject was located lying on the ground. As Hollis Officers knelt down to speak with the

subject, he became verbally combative, then struck the an officer in the chest with a closed fist, knocking him down. The officer displayed his Conducted Electrical Weapon (CEW), while attempting to effectively communicate with the subject. Upon arrival of a second officer, the subject was able to be calmed down, at which point he was taken in to custody and ultimately transported to a local hospital for treatment. The CEW was not deployed, and no injuries were reported as a result of this encounter.

Incident #2: Tuesday, April 4, 2023 1515 hrs

Officers responded to a local residence for a mental health crisis call involving an intoxicated female. Upon arrival on scene, officers were able to develop enough information to take the subject into custody on an Involuntary Emergency Admission (IEA), due to threats of self-harm. The subject verbally protested this decision, at which point officers took hold of both of her arms and escorted her to a waiting ambulance, where she was then transported to a local hospital without incident. There were no injuries associated with this incident.

Incident #3: Friday, April 29th, 2023 2245 hrs.

Officers responded to the same residence described in Incident #2, for a mental health crisis involving the same intoxicated female. The woman was found to be making incoherent statements and acting

irrationally. A mental health Mobile Crisis Team was summoned to the scene, and responders quickly determined that the subject was a risk to herself. An application for an IEA was completed on scene by the mobile crisis team. The subject refused to willingly go to a local hospital. Officers attempted to restrain her, but she continued to physically resist. Ultimately, officers used empty hand restraint techniques to force her arms behind her back, where she was then secured in hand restraints. She was transported to a local hospital by officers and released to the custody of security officers. No injuries were reported.

Incident #4: Friday, May 5, 2023 2100 hrs

Officers arrested a female for a DUI related offense. She was transported to the HPD for booking without incident. At the PD she was secured in the temporary detention cell for the booking process. As officers tried to remove her from the cell to continue with fingerprints/photographs, she climbed under the bench in the cell and refused to exit. Officers took hold of her ankles, pulling her out from under the bench. She was then assisted off the ground where she became compliant again. No injuries were reported.

Incident #5: Saturday, July 15th, 2023 0930 hrs

Officers responded to a side road for a report of an unresponsive subject in a vehicle. Upon arrival, officers woke the subject and

ultimately placed him under arrest for DUI. Upon learning that he was going to be arrested, the subject began resisting. He pulled his arms away from the officers, which prevented them from placing hand restraints on him. Using an empty hand technique, officers were able to escort him to the ground where they gained control of the subject and were able to successfully take him into custody. No injuries were reported in this incident.

Incident #6: Saturday, August 26, 2023 1247 hrs

Officers responded to a local residence for a report of a disturbance. Upon arrival, officers quickly determined that an intoxicated subject had committed an act of criminal mischief and place him under arrest. The subject verbally protested the arrest, but initially physically cooperated. Once hand restraints were placed on him, he became even more verbally defiant and refused to cooperate with being placed in a cruiser for transport to the station. He needed to be physically escorted, by way of the application of recognized escort techniques which involved officers taking hold of each arm and guiding him. He was ultimately placed in a cruiser and transported for processing. The subject initially claimed that the restraints were too tight, but after being evaluated by medical professionals, was determined to be non-injured.

Types of Responses Used

The most common type of Response to Resistance used in 2023 was officers using empty hand techniques to gain compliance (5 incidents). The remaining incident involved an officer displaying a Conducted Electrical Weapons (CEW) to gain compliance.

During the analysis period (January 1, 2023, through December 31, 2023), Hollis Police Officers did not utilize their Monadnock Expandable Baton, CEW (other than displaying), or Oleoresin Capsicum spray. It should be noted that this is the seventh year in a row where we have not used any of these intermediate weapons (Although Tasers have been displayed for compliance in previous years, they have not actually been discharged).

It is also noted that in March of 2023, the Hollis Police Department converted its shotguns to less lethal shotguns. At the time of the conversion, all sworn members attended classroom and practical training in the use of these shotguns. Since being placed in service, they have not been utilized in any response to resistance incidents.

Personnel Summary

An analysis of the 6 incidents where Hollis Police Officers responded to resistance indicates that 7 Officers were involved. Due to multiple officers being involved in some of these instances, we see

two officers being involved in two incidents each. The remaining 5 officers were all only involved in 1 incident.

There does not appear to be any evidence to suggest that the officers involved in these response to resistance incidents are overly reliant on force options. Considering 5 of the officers involved were only involved in 1 incident and used the minimum amount of force necessary to gain control, it is clear that they have, and use, their discretion appropriately and in accordance with best practices and policy. The 2 officers that were involved in 2 incidents also showed that they were not over reliant on force options, as they used only the minimum amount of force necessary.

In summary, no training issues or concerns were found relative to the officers in 2023 response to resistance incidents.

Impact of Findings on Training Issues

During the course of my analysis and review of each of the six listed response to resistance incidents, I found no incidents that warranted remedial training for any officers.

There do not appear to be any trends or patterns associated with these response to resistance incidents in regards to injuries to suspects or employees. All six incidents of involving response to resistance were found to be in compliance with department policy, as well as all applicable state and Federal law.

Additionally, there do not appear to be any negative trends in response to resistance related to race, age, or gender. All suspects were white, which is not alarming, as the population of Hollis, and NH in general, is primarily white. There does not appear to be any direct correlation between gender and amount of force used. As for age of suspects, the range of 32-57 does not seem to show any trend or pattern.

Although no officer used any intermediate weapons such as expandable baton, OC spray, Less Lethal Shotgun or CEW in 2023, it is important to maintain proficiency in the application of the use of these force options. Our future training should continue to focus on scenario-based situations to make sure officers can make effective and timely decisions relative to force usage and options and the transition between available force options when faced with various levels of aggression or resistance in the field. We did accomplish this type of training in 2020 by way of simulation/scenario-based training, and we should strive to continue to incorporate this type of training, along with our de-escalation training into future years. In 2022, we completed a goal to have ALL officers attend a 40-hour long Crisis Intervention Training (CIT). At that time, we also made the commitment to send any new hires to the same 40 hour CIT training. We followed through on this by sending our newest hire to the training in 2023.

The Hollis Police Department will continue to offer training to all members in topics such as bias based policing, ethics, and cultural diversity/awareness, as well as defensive tactics to ensure appropriate levels of response to resistance when necessary in the future.

Impact of Findings on Policy and Practices

Hollis Police Department General Order PR-302 “Responses to Resistance” dictates all response options for Response to Resistance situations up to and including deadly force. It was updated in May and July of 2023. There were two major updates to the policy. The first was changing the title from “Use of Force” to “Responses to Resistance.” Secondly, all force options were broken down into separate policies (Expandable baton, CEW, Oleoresin, etc). This change makes it easier to search the policy and makes response options clearer. This document also covers training of officers in various weapons, inspection of department weapons, and administrative reviews of all responses to resistance.

This Response to Resistance Analysis has shown that we have been following our policy. No Response to Resistance incidents that occurred in 2023 have caused us to consider changing any of the procedures set out in this policy. Additionally, the practices set up by the policy, including administrative documentation and review

of response to resistance incidents, are extremely effective. All levels of supervision up to and including the Chief of Police are part of the review of each incident, making it extremely unlikely that an issue would not be addressed. It is clear our Response to Resistance policy is still appropriate, relevant and effective for our department. Additionally, our practices ensure we are closely following our policy.

It is recommended that a couple of additional fields be added to these new reports. The fields are for administrative purposes only, intended to make preparing these yearly analysis reports more efficient. It is recommended that fields for officer years of experience, and age be added, as well as a field for ethnicity of people who physically resisted officers. These fields will save a significant amount of time when compiling data for these reports.

Impact of Findings on Equipment

In 2022, it was discovered that general maintenance of equipment was lacking. Taser batteries were found to be very low, as well as OC canisters reaching their expiration date. To address this, changes were made to the monthly reports for officers. Sergeants now are including inspection of these items in their monthly report/inspections of their assigned officers. We now have the ability to anticipate scheduled OC and Taser cartridge equipment replacement throughout our ranks. These practices continued

through the entirety of 2023, ensuring that inspections were routinely conducted. As a result, all officers are carrying equipment that is in good working order and within its acceptable shelf life.

After instituting this practice, it was discovered that our Taser ECW's are requiring increasing levels of maintenance. On multiple instances during 2023, units were found to have major fault icons when checked. Due to the age of these devices, warranties have expired and Axon, the Taser manufacturer, no longer services them. It is recommended that we start looking at options for replacement of these older devices.

Instructor Review

As part of this analysis, both current Hollis Police Use of Force instructors were asked to review this document. Both agreed with the contents, believing it to be a true reflection of HPD Response to Resistance in 2023. No changes were recommended to this document, or to PR-302, Responses to Resistance.

Summary

In summary, the bulleted items below are identified as critical components of this analysis:

- There were 6 response to resistance incidents requiring completion of a Response to Resistance Report.

- No suspects were injured as a result of the response to resistance.
- No officers were injured during any of these incidents.
- The average age of suspects involved in response to resistance incidents was 48 years of age.
- The average age of Hollis Police Officers involved in response to resistance incidents was 33 years of age.
- The average age of all Hollis Police Officers is 37 years of age.
- All 6 of the response to resistance incidents were determined to be in conformance with applicable departmental general orders and state laws.
- An analysis of department policies and practices show that they remain consistent with state law and also conform to best practices that are recognized by the Commission on Accreditation for Law Enforcement Agencies (CALEA). No changes are recommended.
- Less lethal shotguns were added as an alternative option for response to resistance in March of 2023. All officers have been trained on them. At the time of this report, they have not been used in the field yet.

Administrative Review

Report completed by Captain Brendan LaFlamme,
Operations Bureau Commander, Hollis Police Department.

Date of Completion: February 5, 2024

Signature: Brendan LaFlamme

Review/ Approved by Chief of Police:

Joseph R. Hoebeker, Chief of Police

JOSEPH R. HOEBEKE
CHIEF OF POLICE

Signature: Joseph R. Hoebeker

Date: 2/7/2024